

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. CODY WAYNE HOPKINS, Defendant.	CR 20-50095 MOTION FOR PRELIMINARY ORDER OF FORFEITURE
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The United States of America, by its undersigned counsel, respectfully submits its Motion for Preliminary Order of Forfeiture in the above-entitled case. The motion is being made for the reasons set forth below:

1. On August 20, 2020, a federal grand jury sitting in the District of South Dakota returned an Indictment against the Defendant. The Indictment charged the defendant with attempted enticement of a minor using the internet, in violation of 18 U.S.C. § 2422(b). The Indictment also contained a forfeiture allegation, requesting forfeiture of one Google cellular telephone, Verizon SIM and ICCID 89148000004442173723 (hereinafter “the property”).

2. On August 25, 2022, the Defendant was found guilty of attempted enticement of a minor using the internet. The Defendant agreed to forfeiture of the property if found guilty at trial.

3. The property at issue in the forfeiture was involved in the commission of 18 U.S.C. § 2422(b). Plaintiff seeks this Preliminary Order of Forfeiture to provide notice of the forfeiture to any other interested parties.

4. Based upon the evidence set forth in the jury trial, the United States has established the requisite nexus between the property and the offenses to which the Defendant was found guilty.

5. Upon the issuance of a Preliminary Order of Forfeiture, the United States will publish notice of this order, notice of the Homeland Security Investigations' intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the Defendant having or claiming a legal interest in the property must file a petition with the court (and serve a copy on Assistant United States Attorney Connie Larson, P.O. Box 2638, Sioux Falls, SD 57101) within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The United States shall give notice to the unknown potential claimants via the official Internet government forfeiture website for thirty consecutive days pursuant to Rule G(4)(a)(iv)(C) of the supplemental Rules for Admiralty and Maritime Cases.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

WHEREFORE, the United States respectfully requests that this court enter a Preliminary Order Forfeiting to the United States the property described in the Indictment, and order the Homeland Security Investigations to seize and maintain custody of the forfeited property and dispose of it in accordance with the law.

Date: August 30, 2022.

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